IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO: 16047 of 2005

Between:

Ch.Nagaiah, S/o. Yellaiah,
R/o. Post: Lingampally, Mandal, Nutanpally, Nalgonda District.

..... PETITIONER

AND

1 APSRTC, Musheerabad, Hyderabad, rep. by its Managing Director.
2 The Depot Manager, APSRTC, Bus Depot Thandoor, RR District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue an appropriate writ or direction particularly one in the nature of Writ of Certiorari, and quash the impugned proceeding No. 02/95(101)/2005-TDR dt.11.07.2005 as arbitrary, with out jurisdiction, unjust, in violation of Art.14, 16 & 21 of the Constitution of India and also contrary to the statutory regulations of the Corporation and consequently direct the respondents to reinstate the petitioner into service with all consequential benefits payable from 08.06.2005 onwards in the interest of justice and fair play.

Counsel for the Petitioner: MR.V.NARASIMHA GOUD

Counsel for the Respondents: MR.V.T.M.PRASAD SC FOR APSRTC

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the second respondent in deleting the name of the petitioner from the select list to be engaged as a daily wage employee in the respondent-Corporation.

2. It is stated that the petitioner was selected and appointed against a regular vacancy, which was notified in the year 1999. But while giving appointment, the respondents have issued orders engaging the petitioner on daily wage basis. While working so, it is stated that the petitioner was served with a charge memo alleging that on 06-06-2005 the petitioner was involved in cash and ticket irregularities and was called upon to submit his explanation by issuing a show cause notice dated 18-06-2005. The petitioner submitted his explanation dated 29-06-2005. The grievance of the petitioner is that after the said explanation of the petitioner, if the second respondent did not satisfy with the explanation and proposed to take further action against the petitioner, ought to have conducted a regular departmental enquiry, but without conducting any enquiry passed an order deleting the name of the petitioner from the approved list/select list, thereby disentitling the petitioner to be engaged as a daily wage employee. Hence, the present writ petition.

3. The contention of the learned counsel for the petitioner is that the action of the respondents in passing a stigmatic order against the petitioner is without conducting a regular departmental enquiry. Even the petitioner was being engaged on daily wage basis, as he was included in the approved list of conductors, if the respondent-Corporation proposed to delete his name especially on certain charges, a regular domestic enquiry is required to be conducted and without such regular domestic enquiry, it is not open to the respondent-Corporation to delete the name of the petitioner from the approved list. Therefore, sought for setting aside the impugned order.

4 . Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent-Corporation.

5. Admittedly, the petitioner was selected against a regular notified vacancy of Conductor, which was notified in the year 1999. But they were engaged on daily wage basis after preparing the approved list of selected candidates. The grievance of the petitioner is that on certain allegations the petitioner's name was removed from the approved list, thereby disentitling him from being in service as well as from future benefits of becoming a regular employee of the Corporation and the said action is illegal and without jurisdiction.

6. As the action of the respondent-Corporation amounts to removal or dismissal from service, it would be proper and just to conduct a regular enquiry with reference to the allegations made against the petitioner which allegations were denied by the petitioner in his explanation.

7. Under the above circumstances, the impugned order is set aside and the respondent-Corporation is directed to restore his name in the select list and to engage him as a daily wage employee. However, it is left open to the respondent-Corporation to conduct a regular domestic enquiry against the petitioner for the alleged charge/charges.

8. Accordingly, the writ petition is disposed of. No order as to costs.

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S.ANANDA REDDY, J

22nd July, 2005

SKM

Copy to:

1 The Managing Director, APSRTC, Musheerabad, Hyderabad,.

2 The Depot Manager, APSRTC, Bus Depot Thandoor, RR District.

3 Two C.D. Copies.